

DATE: April 7, 2011

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0013
Administrative Review for Minor Amendment
Site Use: Restaurant
Applicant: Serendipitous, Inc.
Location: 821, 823 King Street & 103 North Alfred Street
Zone: KR/King Street Retail

Request

Special Use Permit #2011-0013 is a minor amendment request to increase the opening hour by one hour, from 7:00am to 8:00am, during the week (Monday-Friday). No other changes to the restaurant operations are proposed and the business would continue to operate under the trade name Bittersweet.

Background

City Council first approved an SUP for a restaurant in this location in 1982. The business has either expanded or changed ownership on several occasions since then. The most recent SUP case (SUP#2003-0123) was approved on March 13, 2004 to permit outdoor dining at this location prior to the establishment of the King Street Outdoor Dining program. An encroachment case (ENC#2003-0011) was also approved as a companion to the SUP in 2004.

On February 11, 2011, staff visited the subject property as part of its routine inspection program and issued a warning ticket for three violations of the conditions of Special Use Permit #2003-0123. These violations, regarding hours of operation, off-street parking and staff training, were promptly corrected. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

Parking

Although the restaurant is located in the Central Business District (CBD) and is exempt from the typical off-street parking requirement, Condition #13 of prior SUP approval requires the applicant to provide free off-street parking for employees who drive to work. This condition has been carried forward in this approval as well.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association was sent an e-mail with

information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.


Staff Action

Staff does not object to the minor amendment request. One additional hour of operation in the morning represents a small increase, consistent with Section 11-511(2)(b)(i)(a) of the Zoning Ordinance regarding eligible minor amendment requests, that will have no impact on the surrounding area. Although the applicant has requested the additional hour during the week only, to provide additional flexibility, staff has amended Condition #4 of this report to include weekend mornings as well.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 11, 2011
Action: Approved



Barbara Ross, Deputy Director

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2011-0013

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit is granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #1701-A)
2. Seating may be provided inside for no more than 60 patrons. (P&Z) (SUP #1701)
3. Twenty four outdoor seats may be provided on the west side of the restaurant along Alfred Street, provided that a clear pedestrian pathway of five (5) feet is maintained. When outside dining facilities are provided, (1) litter shall be picked up as it is generated, and (2) the outside dining area shall be cleaned at the close of each day of operation, (3) the arrangement of tables, chairs and other decorative features shall not obstruct or impair handicap access, emergency egress, or access to fire department connections for the structure.(P&Z) (SUP#2003-0123)
4. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be limited to ~~8:00~~ 7:00 A.M. to 8:00 P.M., daily. The outdoor dining area shall be cleared of all tables and chairs by 8:00 P.M. and the area shall be cleaned and washed by 8:30 P.M. For indoor patrons, meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z) (~~SUP#2003-0123~~)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #1701)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #97-0065)
7. Condition deleted. (P&Z) (SUP #97-0065)
8. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (P&Z) (SUP #1701-A)
9. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #97-0065)
10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #97-0065)

11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #97-0065)
12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES) (SUP#2003-0123)
13. **CONDITION AMENDED BY STAFF:** ~~The applicant shall provide free off-street parking for employees who drive to work.~~ The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (P&Z) (~~SUP #97-0065~~)
14. Condition deleted. (P&Z)
15. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighbors. (Health) (SUP #97-0065)
16. Alcohol is permitted for on-premise indoor consumption. Consumption of alcoholic beverages in the outdoor seating area is not permitted. Off-premise alcohol sales shall be limited to catering operations and to the sale of bottles of wine in quantities not less than 750 ml or beer in quantities not less than a six pack, with a minimum cost of \$7.00 per bottle or six pack. (P&Z) (SUP#2003-0123)
17. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP#2003-0123~~)
18. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0123)
19. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.~~ (Health) (~~SUP#2003-0123~~)
20. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

21. **CONDITION ADDED BY STAFF:** The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail. (T&ES)